

**TESTIMONY
OF
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POLICY ADVISOR TO THE ASSISTANT SECRETARY FOR INDIAN AFFAIRS
BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS
ON THE
RECRUITMENT, HIRING, TRAINING AND RETENTION
OF LAW ENFORCEMENT OFFICERS
IN INDIAN COUNTRY**

MARCH 18, 2010

Good afternoon Chairman Dorgan, Vice Chairman Barrasso, and members of the Committee. Thank you for inviting the Department of the Interior (Department) to provide testimony before this Committee on the topic of Bureau of Indian Affairs (BIA) and recruitment, hiring, training and retention of law enforcement officers in Indian Country. My name is Wizipan Garriott, and I am an enrolled member of the Rosebud Sioux Tribe. I currently serve as the Policy Advisor to Assistant Secretary for Indian Affairs, Larry Echo Hawk, at the Department.

President Obama has made addressing public safety in tribal communities a top priority for his Administration. This priority is shared by Secretary Ken Salazar, Assistant Secretary Larry Echo Hawk, tribal leaders and many members of this Committee. The Administration strongly supports the Tribal Law and Order Act, S. 797 as amended. I want to acknowledge Chairman Dorgan's leadership on this issue, and this Committee's efforts to improve public safety in Indian Country.

In addressing the need for additional public safety resources, the Department understands increasing the number of law enforcement officers in Indian Country will require enhancing our recruitment, hiring, training, and retention efforts. In addition to those efforts, it requires increased coordination with the Department of Justice.

BIA recently made several recommendations in its February 3, 2010 report, "Protecting Indian Country" which identifies methods for improving our law enforcement and corrections operations. The Department also recognizes the need for continued consultation with tribal leaders on a government to government basis. At the White House Tribal Nations Conference held at the Department on November 5, 2009, many tribal leaders raised concerns about public safety and law enforcement issues in Indian Country. We are pleased to provide this Committee and its members an overview of our efforts at BIA to recruit, hire, train and retain law enforcement personnel in Indian Country.

As discussed below, in the last eight months BIA has taken a number of significant steps toward addressing the public safety crisis throughout Indian country. These efforts include:

- Developing a national recruitment strategy targeted towards staffing historically hard-to-fill duty locations for Law Enforcement and Corrections Officers for the Office of Justice Services.

- Implementing an aggressive Nation-wide initiative increasing the number of applicants from 10 in the months of October and November 2009, to 1,454 from December 2009 to mid-January 2010. These increased numbers led to the employment of 51 new Law Enforcement Officers within the first 60 days, compared to the employment of only 2 new officers in the year prior to October 2009. New hires are all from outside of the BIA. The BIA is streamlining the hiring process by implementing preliminary background investigations to reduce lag time between hiring and entry into the training pipeline.
- Developing a Federal Law enforcement Bridge Training Program. The Bridge Program increases the recruitment pool by allowing State and Local certified Officers from one of the 22 states recognized by the Indian Police Academy to complete the Bridge Program and achieve Federal certification without attending a full Basic Police Officer Training Academy.
- Piloting a Land Management Training Program into FLETC Artesia to increase the number of available Tribal and BIA Law Enforcement training cycles from 3 to 14. This increase in training cycles aims to enhance cadet mentoring and reduce attrition by lowering class size from 48 to 24.

Deployment of Federal Resources to Address Public Safety in Indian Country

As Assistant Secretary Larry Echo Hawk stated in his testimony before this Committee last month, the President's FY 2011 budget request proposes for BIA an additional \$20 million in public safety funding over the FY 2010 enacted level. This additional funding will support the Department's "Protecting Indian Country" initiative. Specifically, \$19 million will be provided via reimbursement by BIA to DOJ to fund additional FBI agents. The FBI has primary jurisdiction over major crimes on more than 200 reservations with approximately 105 agents available to investigate crimes that occur in Indian Country. The reimbursable funding provided to the FBI will add 45 agents as well as other personnel, assuring that the resources will be spent in Indian Country and focused on high-priority areas like drug trafficking and related violence. The Budget also proposes an increase of \$1 million for detention center operations and maintenance for new facilities built with DOJ grants.

In addition, Associate Attorney General Tom Perrelli testified before this Committee last month that the President's FY 2011 budget proposes for the Department of Justice a 7% set-aside -- \$42 million -- from the COPS Hiring Program to support the hiring of tribal law enforcement personnel, an additional 7% set-aside -- \$139.5 million -- from DOJ's Office of Justice Programs for Indian Country efforts, and statutory set-asides totaling \$42.9 million for certain Office on Violence Against Women programs. These set-asides, combined with other DOJ programs designed exclusively for tribal communities provide \$255.6 million for DOJ grant programs in Indian Country that will support the agencies' joint effort to improve public safety in Indian Country.

Bureau of Indian Affairs, Office of Justice Services Programs

The Office of Justice Services (BIA-OJS) supports 191 law enforcement programs, including 40 BIA-operated and 151 tribally-operated programs. 79 percent of the total BIA-OJS programs are

under contract to Tribes as authorized under Public Law 93-638, as amended, or compacted to Tribes as authorized under Title IV of the Indian Self Determination and Education Assistance Act, as amended. Many Tribes supplement BIA funding with money from their treasuries, grants from DOJ, or other sources.

As of October 22, 2009, BIA had 243 sworn law enforcement staff and 191 funded vacancies, for a total of 434 sworn law enforcement positions within the six law enforcement districts. As of November 10, 2009, tribal law enforcement programs employed 2,754 sworn law enforcement officers and had 80 funded vacancies, for a total of 2,834 sworn law enforcement positions. This brings the total number of currently funded sworn law enforcement positions for Indian Country to 3,268.

Based upon FY 2010 funding allocations, the current BIA staffing levels for sworn personnel providing direct services within the six BIA Districts are estimated at approximately 1.08 officers per 1,000 residents. Utilizing the Tribes current sworn personnel staffing levels, tribal law enforcement are estimated at approximately 2.16 officers per 1,000 residents. Combining the current funded BIA and Tribal forces, the total ratio for Indian Country law enforcement (BIA and Tribal) based upon their reported service population is approximately 1.91 officers per 1,000 residents. Thus, all of these staffing ratios are below the comparable national average of 3.5 officers per 1,000 residents

Recruitment

Historically, BIA-OJS has not advertised job vacancies outside of agency locations. The BIA-OJS recently implemented an aggressive recruitment initiative to fill funded vacant law enforcement positions. We have extended our recruitment efforts beyond local agencies and on USAJOBS, the Federal government's official job list. This aggressive effort has produced some great results. Since December 1, 2009, BIA-OJS has received 1,454 police officer applications, exceeding initial recruiting expectations. The initiative will be an ongoing endeavor to attract the best qualified candidates for Indian Country law enforcement positions. This effort will utilize the Internet, police periodicals, billboards, recruiting fairs at high schools and colleges, National/Local Police Organization web sites, employment agencies, tribal newspapers, websites, and organizations, and other advertising and best recruitment strategies. BIA-OJS is working with our Human Resources Office to finalize a position within OJS that will focus solely on recruitment and related activities.

One recruitment obstacle that cannot be overcome by advertising is that OJS cannot hire a law enforcement officer who is over the age of 37 without a waiver. Requests for waivers to this requirement are submitted on a case-by-case basis, which is time consuming and inefficient. To address this problem we are exploring options to receive blanket waiver authority and will pursue this process, so that we will have a larger applicant pool, particularly of experienced officers, to draw from.

We have also begun developing partnerships with various military branches as a source for law enforcement recruits. For example, the U.S. Army Reserve Employer Partnership Initiative is an innovative human capital strategy under which the Army Reserve collaborates with business and government leaders to ensure reserve soldiers have civilian employment when not on reserve duty. This initiative is mutually advantageous: employers and the Army Reserve both employ a highly capable soldier-employee who is trained, knowledgeable, and experienced in the various facets of public safety and law enforcement. We believe this effort would provide BIA access to

a 202,000 veteran recruitment pool. BIA is also seeking out other partnerships with other branches of the Military.

Hiring

BIA recently extended offers to 65 police officer applicants, of which 51 applicants have accepted. These new officers will be placed in high-priority areas. We are in the process of filling the remaining funded vacant positions. OJS will continue to work diligently to fill these positions.

BIA OJS is taking steps to minimize the delay and disruption of the hiring process by conducting the Preliminary Background Investigation (PBI) internally to bring prospective permanent employees on board prior to waiting for the full background check by the Office of Personnel Management (OPM). This new system will allow BIA-OJS to bring employees on board to attend mandatory training prior to completion of the full background investigation by OPM. The employment would be conditional and subject to successful completion of an OPM background check.

OJS has assigned a team of Criminal Investigators to the recruitment team to conduct the PBI on new police officer, criminal investigator and correctional officer selectees. The PBI will inform OJS management immediately of any disqualifying issues to mitigate loss of federal resources. Upon receiving a favorable recommendation from PBI, OJS will grant a Request for Waiver that allows the applicant to begin employment prior to the completion of the official OPM background investigation. While these employees would have some restrictions on their duties prior to the completion of the full OPM background investigation, this new system allows new employees to begin training programs and perform important interim tasks.

Retention

BIA-OJS has recently implemented initiatives to enhance the retention of qualified law enforcement employees. We will review and re-evaluate the current grade structure of all OJS positions to ensure parity with other federal law enforcement agencies. OJS positions are consistently at a lower grade than those of other federal law enforcement agencies. This adversely affects OJS' ability to recruit, retain, and develop leaders who can rise to the top of the organization.

Historically, OJS has struggled to fill police officer and mid-level supervisory positions in the field. These positions are a vital link in day-to-day field operations and largely responsible for the safety of citizens within Indian Country. By increasing the grade levels of OJS positions, OJS will be better able to attract more applicants and allow employees the opportunity to bolster their experience and knowledge by competing for future upper management positions.

BIA is considering expanding and institutionalizing the use of recruitment incentives to attract new police officers and retain them. BIA presently has the authority to pay relocation costs, award recruitment incentives, and repay student loans, for certain positions. Another retention tool is the use of Service Agreements under which an employee, for example, agrees to serve in a high-priority area for a certain period of time would receive a placement into a position of his or her choice after the term of the Service Agreement expired.

Training

BIA and tribal programs provide a wide range of public safety services to Indian Country. These services include uniformed police services, criminal investigations, detention management, telecommunications, and tribal court assistance. To effectively provide these services, staff must receive certification in basic training skills related to their employment field. Because many Indian Country law enforcement officers cover vast areas of both extremely rural and urban terrain which often comprising several thousand square miles, high quality and specialized training is vital for protecting both the public and our officers.

Throughout the nation, many other federal and state agencies operate their own police academies, training officers in basic and advanced techniques to perform law enforcement services. Currently BIA-OJS operates the United States Indian Police Academy (USIPA) located at the Federal Law Enforcement Training Center (FLETC) in Artesia, New Mexico. The USIPA provides training to federal, tribal and local law enforcement officers who work in or near Indian Country.

US Indian Police Academy History

Prior to 1968, availability of police training for tribal officers was extremely limited. While a few state police training academies granted access to BIA and tribal officers, there was a long wait. At the federal level, candidates sometimes faced a delay of up to three years for admission to the FBI academy. Consequently, actual job experience, supplemented with limited formal in-service instruction, was the predominant form of Indian law enforcement training and education. These limitations precluded effective, professional law enforcement services from reaching Indian Country.

The U.S. Indian Police Training and Research Center was originally designed to train of BIA and tribal law enforcement officers, qualified potential Indian police officers, and other law enforcement personnel working on or near Indian reservations. The basic program was soon expanded to provide specialized training on an as needed basis for police officers, supervisors and managers, juvenile officers, criminal investigators, and jail personnel. By 1971, the Academy was assisting and conducting field in-service training as necessary for specialized subjects through short duration training sessions.

After several relocations spanning over 20 years, in January 1993, the Indian Police Academy relocated to the FLETC in Artesia, New Mexico, the present location of the USIPA.

The USIPA at FLETC

The mission of the USIPA is to develop and provide law enforcement training and technical assistance to federal and tribal law enforcement organizations and their personnel. All training programs are designed to meet Indian Country law enforcement, employee development, and organizational improvement standards.

The USIPA offers basic training courses for police officers, telecommunications operators, and corrections officer candidates. USIPA also offers numerous advanced training courses on child abuse investigation procedures, community policing, use of force, firearms usage, archeological

resource protection, police management and supervision, crime scene processing, detention, and dispatcher training for both tribal and BIA law enforcement officers.

Currently the USIPA conducts three (3) basic police officer training programs (BPOTP) each year. The BPOTP is 16.5 weeks long, consisting of 739 hours of instruction. The BPOTP is an integrated FLETC Basic Program. USIPA offers Indian Country specific training programs which include:

- History of the Indian Criminal Justice System
- Indian Civil Rights Act
- Indian Country Juvenile Law
- Indian Country Liquor Law
- Indian Child Welfare Act
- Indian Country Conservation Law
- Indian Country Criminal Jurisdiction
- Indian Country Community Orientated Policing
- Domestic Violence
- Crimes against Women
- Specific Indian Country Patrol Procedures Laboratory Exercise
- Specific Indian Country Patrol Skill Laboratory Exercise

These training programs, laboratory and practical exercises address many unique aspects of Indian Country law enforcement.

Every three years the USIPA conducts a Curriculum Review Conference to validate basic training programs. Participants from tribal and BIA law enforcement programs give insight and make recommendations to change or add specific courses. The final training program is submitted to the FLETC Evaluation and Analysis Branch (EAB) to validate the recommendations. Once EAB validates the recommendations, the new basic training program with changes is scheduled.

Assistant Secretary Echo Hawk is deeply concerned about the attrition rates at the USIPA. Since 2007, the average attrition rate at USIPA for the basic police class is 56.6 and 38.4 percent for the basic corrections class. This is unacceptable. These high attrition rates hinder the Department's ability to deploy trained officers in Indian Country. The high attrition rates may be attributed to the following areas:

- Health Screening during initial assessment.
- Medical. Cadets will be dismissed due to injury requiring extended medical treatment. Cadets can only miss 5 days of training.
- Resignation. Cadets can resign for personal or family reasons with the consent of their employing agency.
- Academics. Cadets who fail two academic tests are dismissed. The BPOTP is written at the 9th grade reading and comprehension level. Students can participate in individual study groups and test review sessions the night before each academic exam.
- Other. This category is for those cadets who fail a practical evaluation or violate a USIPA rule or regulation. The violation is usually a negative contact with law enforcement or an alcohol related offense.

Other factors that contribute to our attrition and graduation rates may include:

- Many tribal and BIA law enforcement programs do not academically prepare cadets for the rigors and challenges of the BPOTP.
- Many tribal and BIA law enforcement agencies do not medically screen cadets to attend the USIPA.
- Many tribal and BIA law enforcement agencies do not conduct a thorough background investigation of cadets.

BIA-OJS has, however, had great success with candidates who attend the Criminal Investigator Training Program (CITP) utilized by the BIA. The CITP provides fundamental training in criminal investigation techniques, concepts, and methodologies.

The CITP is an 11.2 week integrated basic program designed for the Federal 1811 series (Criminal Investigators) and tribal investigator who conduct criminal investigations into violations of federal crimes. Lecture, laboratories, practical exercises, and tests are used to ensure that each trainee acquires all of the critical knowledge, skills and abilities required of new criminal investigators. Throughout the program, each trainee must participate as a member of a small task force team in a continuing case investigation. The training equips students to interview witnesses, conduct surveillance and undercover operations, develop a case, write and execute search and arrest warrants, write a criminal complaint, obtain an indictment, and testify in a courtroom hearing.

The CITP is a FLETC based basic program held in Glynco, Georgia and instructed by FLETC training staff and partner organizations. Approximately one third of the 88 FLETC Partner Organizations that utilize the Glynco, Georgia FLETC training site are represented by on site staff at Glynco, while BIA has none. Consequently, BIA and tribal investigators who attend the CITP do not receive the same level of mentoring and support received by students of agencies that maintain full-time staff at the FLETC.

Of the 47 BIA and tribal students who attended the CITP program from FY 2008 and 2009, only 3 failed to complete training. This equates to a 6.3% failure rate for Indian Country law enforcement officers, which illustrates a more successful rate as compared to the USIPA cadets.

Initiatives

DOI/DOJ Collaboration: Secretary Salazar and Attorney General Holder have created an interagency workgroup, to explore ways to improve coordination and communications and fill gaps in the federal law enforcement effort. The DOI/DOJ workgroup has met several times, forming subgroups to investigate specific topics, and has met with representatives from the Department of Health and Human Services. This workgroup accelerated its work following the November 5, 2009, White House Tribal Nations Conference.

Pre-Training Notification: Currently, new hires reporting to the basic training program have minimal knowledge and understanding of the training requirements of the USIPA. To remedy this problem, BIA has launched an initiative to provide them with a pre-employment packet describing the expectations of the training program to better prepare them for life at USIPA.

Basic Training Program Transition: Currently the USIPA is conducting a pilot training program by holding the BPOTP concurrently with the Land Management Police Training (LMPT). This

pilot period will allow management to compare program training standards. The current 16.5 week program has operated under the same format for 20 years and is inconsistent with other Department law enforcement basic training programs which benefit from the LMPT program. In addition, while the USIPA currently offers four classes per year, it provides only three. Reduced course loads and high attrition rates impede new officer training and hinder the Department's ability to put trained officers on the street.

The USIPA currently subscribes to a para-military method of training. This method of training served its purpose initially, but is not as effective to the core group of cadets that are seeking entry into the USIPA today. The millennial generation is our primary target for recruitment. The LMPT program's emphasis on group learning, team development, and strengthening peer bonds will create an environment where this next generation can succeed in an academic setting.

The LMPT program focuses on rural law enforcement which accommodates BIA and tribal officers who often work in rural and remote locations. The Department uses LMPT for its other law enforcement programs. USIPA can conduct LMPT 14 times per year with 8 classes in Glynco, GA and 6 in Artesia, NM; however, FLETC can reallocate its existing training resources to expand the actual number of classes to meet the demand of Indian Country. Having two training locations and offering more training opportunities is cost effective for tribes who send cadets to USIPA. By reducing class sizes from 48 to 24 we expect to reduce attrition. The LMPT is an 18-week training program and currently has a 7 percent attrition rate.

Reduce the Basic Corrections Officer Training Program (BCOTP) Class Size: Currently, we require 48 recruits to be enrolled in the BCOTP before we conduct the course, which is scheduled 4 times per year. Consequently, at least one course each year is cancelled. Recruits enrolled in cancelled classes must wait for the next class to occur. By reducing the mandatory class size from 48 to 24 and increasing the number of classes to 8 per year, USIPA can provide more frequent basic training opportunities and reduce the number of cancelled classes. The BCOTP is a BIA specific program with a FLETC approved syllabus.

Recruit Mentoring Program: BIA-OJS plans to develop a formal mentoring program for students going through Basic Training. This mentoring program will identify at-risk students and provide remedial and after hours assistance with academic and practical exercise requirements for the basic training program. This mentoring program will reduce the current attrition rate and enhance successful completion of the basic training program.

Bridge Training Program: BIA-OJS developed a Bridge Training Program to allow new hires who are already certified by a state or collegiate academy to meet the mandatory minimum training requirement for federal law enforcement service. It was previous policy to require state certified officers, regardless of experience, to complete the 16-week basic training course in Artesia, NM. The Bridge Training Program will bridge the gap between the state and collegiate training which will allow new hires to become federally-certified and to meet specific Indian Country law enforcement course requirements in areas such as: Indian Country Law, Criminal Jurisdiction in Indian Country, and the FLETC Practical Pistol Course. This program would allow new hires already certified by a state academy to quickly meet the minimum mandatory training requirement of federal law enforcement service in two weeks as opposed to 16 weeks.

Establish a Northern Plains Advance Training Academy at the United Tribes Technical College: OJS is working with the United Tribes Technical College in Bismark, ND to provide the

proposed Bridge Programs at the College, and will consider partnering with other potential satellite locations to increase basic certification options for BIA and tribal police officers.

Collegiate Law Enforcement Option: BIA-OJS plans to develop a collegiate law enforcement option to address the practical and field exercise training not offered by many collegiate certification programs. These collegiate programs generally do not provide instruction in practical field exercises such as firearms and driving required for federal certification. Working with FLETC, we identified a solution to this issue by developing another option for the Bridge program. The BIA submitted a training syllabus to FLETC Training Management Division on October 30, 2009 for review and approval. FLETC indicates that once it approves the training syllabus, the four (4) week follow-on-basic program will be taught in Artesia, New Mexico. It will include courses such as: Indian Country law, firearms, and divers training.

Rotational Training Cadre: BIA-OJS proposes to begin a 3 year rotation of correction and police officers to provide training at the USIPA and its satellite academies. This will ensure our USIPA instructors bring the most current training tactics and methodologies to the field and to the training environment.

Advanced, Specialty and Outreach Training: USIPA is in the process of addressing training needs through advanced, specialty and outreach training. In 2008, USIPA identified “anchor points” of training to allow training to be conducted closer to the tribal and BIA law enforcement locations.

Through the efforts of FLETC, Office of State and Local and the Rural Policing Institute, additional training programs will be exported to the established anchor points. These programs focus on management, technical and specific training programs including courses such as: Supervisory Leadership, Executive Management, Active Shooter, Highway Interdiction, Back Country Tactics, Use of Force, Domestic Violence training the trainer, and First Officer Response.

Working with the Federal Bureau of Investigation, Indian Country and Special Crimes Unit, advanced training course offerings will be conducted. These courses include:

- Critical Incident Stress Management
- Introduction to Indian Country
- Forensic Child Interviewing
- Crime Scene Investigation
- Financial Crimes Investigation

The USIPA has a rich history of service to Indian Country and training of law enforcement officers. However, to meet the ever changing needs in Indian Country for qualified well trained officers, the BIA-OJS proposes to build on our relationship with the FLETC by implementing these initiatives and others to improve training for law enforcement officers.

Mr. Chairman, thank you for the opportunity to address a matter of such an importance for Indian Country. The Department will continue to work closely with you and your staff, tribal leaders, and our Federal partners to strengthen the recruitment, hiring, training and retention of law enforcement officers in Indian Country, and we appreciate your continued commitment to Indian country law enforcement.

I will be happy to answer any questions you may have.